THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.No.12726 of 2003

Date: 13.09.2007

Between:
M.Balamanmadha Rao … Petitioner

And

1. The District Level Committee
   for Sand Auction, Krishna District
   Machilipatnam
   and another. … Respondent

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.No.12726 of 2003

O R D E R;

This writ petition is filed questioning the action of the respondents in not renewing the second year lease for lifting sand from 6.5.2003 to 5.5.2004 in Chodavaram Sand Reach, Penamaluru Mandal, Krishna District from 7.000 KM to 9.280 KM of Krishna River Left Bank, pursuant to the agreement dated 3.5.2002 executed by the second respondent in his favour.

2. The contention of the learned counsel for the petitioner is that in pursuance of the agreement between the second respondent and the petitioner, the petitioner is entitled to get the lease renewed for the second year also and inspite of the petitioner complying with necessary formalities and making requests for renewal of the lease for the second year, second respondent is not renewing the lease in favour of the petitioner. The contention of the learned Government Pleader is that in pursuance of the powers vested in the Government by Sub-Section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957, the Government vide G.O.Ms.No.1, dated.1.1.2001 amended the A.P.Minor

Mineral Concession Rules, 1966 and subsequently A.P.Water, Land and Trees Act 2002 (2002 Act) is enacted to regulate the exploitation and of water, land and environment, and as section 27 of the 2002 Act confers power on the authorities to frame guidelines for sand mining from water bodies, wherever such sand mining is environmentally harmful, sand mining was prohibited in over exploited basins, and as per G.O.No.224 PR & RD, dated 15.6.2002 mining shall not be permitted in I, II and III category except for local use, and so the second respondent through the proceedings dated 5.5.2003, directed the petitioner to stop lifting of the sand and did not renew the licence for the second year, and the Government through G.O.No.24, dated 12.2.2007 framed new guidelines, if the case of the petitioner falls within the guidelines his request would be considered.

3. In view of the subsequent events i.e. coming into force 2002 Act the agreement entered into by the provisions of 2nd respondent would be subject to the provisions of the 2002 Act. In view of the fact that Government issued G.O.Ms.No.24 dated 12.2.2007, the petitioner can make a representation to the authorities concerned for renewal of the lease in his favour, and depending on the facts and circumstances, respondents, or the concerned authorities shall pass appropriate orders on the representation of the petitioner within one month from the date of receipt of such representation.

4. The writ petition is disposed of accordingly. No order as to costs.

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C.Y.SOMAYAJULU,J

13.09.2007

PNV

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

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